



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 25 2003

James W. Warr, Director
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

Dear Mr. Warr:

On February 25, 2003, the Alabama Environmental Management Commission adopted a revision to Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters) of the Alabama Department of Environmental Management Administrative Code, and subsequently submitted this revision of Alabama's water quality standards to the U.S. Environmental Protection Agency (EPA) for review and approval by letter dated June 9, 2003. This revision was certified as duly adopted pursuant to State law on June 5, 2003.

The revision to the State's water quality standards changed the designated use of the segment of Five Mile Creek, from Newfound Creek to Ketona, from the Agricultural and Industrial Water Supply use to the Fish and Wildlife use. This revised use designation was adopted based on the State's conclusion that the aquatic uses listed in the Fish and Wildlife use classification are attainable in this segment of Five Mile Creek.

This letter notifies the State of EPA's approval of these revisions to water quality standards for Clean Water Act purposes pursuant to the Agency's authority under Section 303(c) of the Clean Water Act and its implementing regulations published in the Code of Federal Regulation (40 C.F.R. Part 131).

On October 23, 2002, EPA proposed a federal rule that would establish the designated use of this segment of Five Mile Creek as the Fish and Wildlife use in Alabama's water quality standards. Since the State has adopted regulations that address EPA's disapproval of the use designation for this segment, EPA will not take further steps to finalize the proposed rule.

The State's revision of the use designation of Five Mile Creek addresses the last of forty-nine use designations of Alabama water bodies that were previously in a disapproved status. The State's ongoing reviews of, and the revisions to, use designations of these water bodies reflect Alabama's continuing commitment to water quality improvement. EPA appreciates the effort put forward by you and your staff to the address issues of "fishable/swimmable" use attainment

for these stream segments. If you have questions, please do not hesitate to contact me at 404/562-9470, or Fritz Wagener, Water Quality Standards Coordinator, at 404/562-9267.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol D. Giattina". The signature is fluid and cursive, with a large initial "C" and "G".

James D. Giattina, Director
Water Management Division

cc: James McIndoe, ADEM
Chris Johnson, ADEM